ing precisely identical with those in the principal case, Judge Walker, who delivered the opinion in the Norris case, concurred with the majority of the court in awarding damages to the plaintiff. The Norris case rests its apparent *volte-face* upon a decision of the preceding term. *Meadows* v. *Postal Telegraph & Cable Co.*, (No. Car., 1917), 91 S. E. 1009, which in turn rests its decision upon *Gardner* v. *Western Union Telegraph Co.*, 231 Fed. 405. In that case, decided Feb., 1916, it was ruled that by the aforesaid ACT, "Congress having taken possession of the field of interstate commerce by telegraph, the provision of the constitution of Oklahoma relied upon [by the plaintiff] has become inoperative," and concluded in general that: "Congress has not only taken possession of the field of interstate commerce by telegraph, but has also specifically prescribed the rules which shall govern the transaction of such commerce." The novelty of the principal case lies in the North Carolina Court's apparent misconception of the scope of that ACT of CONGRESS upon which they predicate their decision. This misconception is doubtless traceable, in part at least, to the ultra-broad language of the decision in the Gardner case, above cited, which quotes among its authorities, *Adams Express Co.* v. *Croninger*, 226 U. S. 491. It is true that the Supreme Court there declares the intent of Congress to take possession of the subject of the liability of a carrier under contracts for interstate shipment, and to supersede all state regulations with reference to that subject. But there is no intimation, either in that decision, in the CARMACK AMENDMENT which it professes to interpret, or in the ACT OF JUNE 18, 1910, upon which the principal case relies, which may conceivably be interpreted to intend that Congress assumes exclusive control of the entire field of interstate commerce.

COMMERCE—REGULATION—POWERS OF STATES OVER COMMUTATION RATES.—The Pennsylvania Railroad Company sought an injunction to restrain the Public Service Commission of Maryland from enforcing a schedule of intrastate rates for commutation tickets. The railroad, recognizing the propriety and necessity of rendering a peculiar service to suburban communities, had already established rates lower than the legally fixed standard one-way single passenger fare. *Held*, the state has the right to fix reasonable rates for the special services accorded commuters, different from those fixed for the general service. *Pennsylvania R. Co.* v. *Towers et al.*, (1917), 38 Sup. Ct. 2.

The right to issue tickets at reduced rates, good for limited periods, upon the principle of commutation was recognized in the leading case of *Interstate Commerce Commission* v. *B. & O. R. Co.*, 145 U. S. 263. In that case the court held that a party rate ticket for the transportation of ten or more at a less rate than was charged a single individual did not amount to a discrimination against that individual within the meaning of the INTERSTATE COMMERCE ACT. Such differences in rates were based upon substantial differences in the character of the services rendered, and the resulting discrimination was reasonable. In 1903, some years after the decision in the above case, the ELKINS ACT was enacted, which provided against all discrimination. The court, by their decision in the instant case, have declared their intention to

abide by their previous interpretations of Congressional provisions against discrimination. Three of the Justices, including the Chief Justice, dissented from the decision, but no reasons were given for their action.

CONSTITUTIONAL LAW—CONSTITUTIONAL AND CHARTER PROVISIONS—RIGHT OF WOMEN TO VOTE.—The constitution of the state prescribed the qualifications of the electors for all elections held to fill offices which the constitution itself provided for, and in all elections upon questions submitted to a vote pursuant to provisions of the constitution, to be that voters should be male citizens of the age of twenty-one. A charter was granted by the legislature to a municipality containing a provision which conferred upon women the right to vote in municipal elections. In a proceeding in *mandamus* to compel the commissioners to permit the plaintiff to vote, *held,* that the charter provision was constitutional and therefore the *mandamus* was granted. *State* v. *French,* (Ohio, 1917), 117 N. E. 173.

COOLEY in his CONSTITUTIONAL LIMITATIONS (7th Ed. 99) says that, wherever the constitution has prescribed the qualifications of electors, they cannot be changed or added to by the legislature, or otherwise than by an amendment to the constitution. The description of those entitled to vote as required by the constitution excludes all others. *McCafferty* v. *Guyer,* 59 Pa. 109. An act conferring upon women the right to vote for school commissioners, when the constitution provided that male citizens should be electors, was held unconstitutional. *In the Matter of the Cancellation of the Name of Matilda Joslyn Gage,* 141 N. Y. 112. The contrary decisions follow the theory expressed by JONES, J., dissenting in the instant case, wherein he says, "if the majority opinion be followed, the Legislature of the state may confine the elective municipal franchise solely to women, or to others, as it may choose." But this does not follow, for the legislature cannot nullify the constitutional requirements; it cannot exclude those who have been given the right, but must include them, though it may enlarge the class. Those authorities that are in accord with the principal decision contend that the constitutional requirements are a description of those who shall not be excluded. The principle *expressio unius est exclusio alterius,* in the interpretation of provisions of the constitution, must be applied with great caution, and only those things expressed in such positive affirmative terms as to plainly imply the negative of what is omitted, will be considered as prohibiting the powers of the legislature. *Pine* v. *Commonwealth,* (Va. 1917), 93 S. E. 652. The Michigan court has taken both views. *Belles* v. *Burr,* 76 Mich. 1; *Coffin* v. *Election Commissioners of Detroit,* 97 Mich. 188. The constitution is to be looked to, not to ascertain whether a power has been conferred, but whether it has been taken away. The legislature is practically omnipotent in the matter of legislation, except in-so-far as it is restrained by the constitution, expressly or by necessary implication. It must be conceded that all persons can vote who possess the qualifications described in the constitution, but it does not follow that no others can vote. The instant case expresses the modern doctrines that the constitutional qualifications are not exclusive, but merely inclusive.